

REMARKS

The amendments described above leave 43 claims pending in this application, including 6 independent claims.

Amendments to the Claims

Claims 1 and 10 have been amended to more particularly describe the present invention. These amendments are not required to overcome any of the Examiner's objections and are not related to the patentability of the claims.

Claims 8, 9 and 19 and 20 have been cancelled.

Claims 21-26 have been added to claim the present invention in greater detail. Claims 21-23 are dependent on claim 1. Claims 24-26 are dependent on claim 10. Support for these claims may be found in the application as amended in response to the previous Notice to File Missing Part at, *inter alia*, page 13, line 13 to page 15, line 17.

Claims 27 to 47 are newly added. Support for these claims may be found in the application as amended in response to the previous Notice to File Missing Parts at, *inter alia*, page 13, line 13 to page 15, line 17.

Substantive Rejections**Claim Rejections – 35 USC § 102**

The Examiner objected to claims 1-13 and 15-20 as being unpatentable over solution provider Liquidation.com and cited 35 USC 102(e) in support of this position.

The Applicant notes that 35 USC 102(e) allows the citation of an application for a patent that has been published or a patented granted on an application by another. The Applicant respectfully submits that the material cited by the Examiner describing Liquidation.com is not a patent application or a patent. Accordingly, this material cannot be cited against the present application on the statutory authority provided by 35 USC 102(e).

Furthermore, there is nothing in the Liquidation.com material that indicates that it was made publicly available prior to the applicant's filing date of May 15, 2001. Accordingly, the Applicant submits that the Liquidation.com does not appear to be citeable prior art against the present application.

Despite the non-citeability of the Liquidation.com material, the Applicant has reviewed it, and has found that it is irrelevant to the claims as amended.

The Liquidation.com material states that the Liquidation.com system will permit auctions to be restricted to specific buyers or areas. No other description of Liquidation.com's mechanism for protecting sales channels is provided.

Claim 1 as amended allows a seller to control the characteristics of buyers who will be permitted to have access to goods listed by that seller. At least one characteristic (and possibly the only characteristic) is selected from the following categories of characteristics: trade classification; type of retailer; or type of industry. For example, the seller could exclude all buyers that are mass-market discounters or the seller could limit the sale to buyers who are in the sports and fitness industry. Liquidation.com does not describe or even suggest any mechanism for excluding or including buyers from a sale based on characteristics related to trade classification, type of retailer or type of industry.

The Applicant respectfully submits that claim 1 as amended would be patentable over Liquidation.com, if the Liquidation.com material was citable against the present application.

Claims 2-7 are dependent on claim 1 and would be patentable over Liquidation.com for the same reasons.

Claim 10 is an independent claim and has been amended in a matter analogous to claim 1. Claims 11-13 and 15-18 are dependent on claim 10. All of these claims are patentable for the same reasons as claim 1.

Claim Rejections – 35 USC § 103

The Examiner objected to claim 14 on the basis that it is obvious in light of Liquidation.com in view of Metropolitan Regional Information Systems, Inc ("MRIS"). Claim 14 is patentable over Liquidation.com for the reasons submitted above in respect of claim 10. The MRIS material cited by the Examiner makes no reference to the inclusion or exclusion of buyer based on characteristics related to trade classification, type of retailer or type of industry. Accordingly, claim 14 is patentable over Liquidation.com in view of MRIS.

CONCLUSION

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached pages are captioned **"Version with markings to show changes made."**

In view of the foregoing comments, it is respectfully submitted that the application is now in condition for allowance. If the Examiner has any further concerns regarding the language of the claims or the applicability of the prior art, the Examiner is respectfully requested to contact the undersigned at (215) 923-4466.

Enclosed herewith in duplicate is an Amendment Transmittal which includes a Petition to extend the time to respond to the Examiner's Action for one month, from August 23, 2002 to September 23, 2002. Enclosed also is a check in payment of the additional claim fees required by this amendment.

Respectfully submitted,



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Version with markings to show changes made

Claim 1 has been amended as follows:

1. A method of matching a buyer of goods with a seller of goods comprising the following steps:

- collecting information from the seller relating to the goods;
- classifying the goods according to a pre-selected set of criteria selected by the seller, the pre-selected set of criteria including data relating to buyers that are to be denied access to the goods, the data relating to buyers including at least one characteristic selected from the following categories of characteristics:
 - trade classification;
 - type of retailer; and
 - type of industry.[:]
- listing the goods in a secured manner;
- collecting information relevant to said pre-selected set of criteria from the buyer;
- verifying the information collected from the buyer;
- selecting an approved buyer based on verified information;
- authorizing the approved buyer to request a query of the listed goods for those goods that the buyer seeks to buy;
- determining which goods are available for the approved buyer to buy based on a linkage between the approved buyer, the query and the pre-selected set of criteria.

Claims 8 and 9 have been canceled.

Claim 10 has been amended as follows:

10. A system for matching a buyer of goods with a seller of goods comprising:
- means for collecting information from the seller relating to the goods;
 - means for classifying the goods according to a pre-selected set of criteria selected by the seller, the pre-selected set of criteria including data relating to buyers that

are to be denied access to the goods, the data relating to buyers including at least one characteristic selected from the following categories of characteristics:

- trade classification;
 - type of retailer; and
 - type of industry.[]
- a database containing a listing of the goods in a secured manner;
 - means for collecting information relevant to said pre-selected set of criteria from the buyer;
 - means to verify said buyer information;
 - means to select an approved buyer based on the verified buyer information;
 - an input means for permitting the approved buyer to query the database for goods that the approved buyer seeks to buy;
 - a data processor for determining which items of goods are available for the approved buyer to buy based on a linkage between the approved buyer, the query and the pre-selected set of criteria.

Claims 19 and 20 have been cancelled.

New claims 21 to 47 have been added, as follows.

21. The method of claim 1 wherein the category of trade classification includes at least one characteristic selected from the group: retailer; distributor; jobber; manufacturer; importer; exporter; and wholesaler.
22. The method of claim 1 wherein the category of type of retailer includes at least one characteristic selected from the following group: mass-market discounter; drug chain; supermarket; specialty; gift; warehouse club; deep-discounter; and general merchandiser.

23. The method of claim 1 wherein the category of type of industry includes at least one characteristic selected from the following group: apparel and jewellery; children and hobby; domestic chemicals; electronics; food and drinks; general merchandise; health and beauty care; household; publishing seasonal; sports and fitness; and stationary and office.
24. The method of claim 10 wherein the category of trade classification includes at least one characteristic selected from the group: retailer; distributor; jobber; manufacturer; importer; exporter; and wholesaler.
25. The method of claim 10 wherein the category of type of retailer includes at least one characteristic selected from the following group: mass-market discounter; drug chain; supermarket; specialty; gift; warehouse club; deep-discounter; and general merchandiser.
26. The method of claim 10 wherein the category of type of industry includes at least one characteristic selected from the following group: apparel and jewellery; children and hobby; domestic chemicals; electronics; food and drinks; general merchandise; health and beauty care; household; publishing seasonal; sports and fitness; and stationary and office.
27. A method of identifying, to an approved buyer, goods offered for sale by a seller, the method comprising:
 - (a) allowing the seller to define criteria relating to buyers that are to be denied access to the goods, the criteria including at least one characteristic selected from one or more of the following categories of characteristics:
 - (i) trade classification;
 - (ii) type of retailer; or
 - (iii) type of industry,
 - (b) collecting information relevant to said criteria from an unapproved buyer;
 - (c) verifying the information collected from the unapproved buyer;
 - (d) based on the result of (c), designating the unapproved buyer as an approved buyer;

- (e) allowing the approved buyer to define a query;
 - (f) comparing the query with the goods to determine whether the goods match the query;
 - (g) if the result of (f) is that the goods match the query, then comparing the information collected in (b) with the criteria to determine if the buyer matches any characteristic defined by the seller in (a);
 - (h) if the result of (g) is that the buyer does not match the criteria defined by the seller in (a), then identifying the goods to the buyer.
28. The method of claim 27 wherein the category of trade classification includes at least one characteristic selected from the group: retailer; distributor; jobber; manufacturer; importer; exporter; and wholesaler.
29. The method of claim 27 wherein the category of type of retailer includes at least one characteristic selected from the following group: mass-market discounter; drug chain; supermarket; specialty; gift; warehouse club; deep-discounter; and general merchandiser.
30. The method of claim 27 wherein the category of type of industry includes at least one characteristic selected from the following group: apparel and jewellery; children and hobby; domestic chemicals; electronics; food and drinks; general merchandise; health and beauty care; household; publishing seasonal; sports and fitness; and stationary and office.
31. The method of claim 28 wherein the criteria further include the identity of one or more entities that are to be denied access to the goods.
32. The method of claim 31 wherein in (g), the approved buyer is determined to match the criteria if the approved buyer matches any characteristic or is any of the entities.

33. The method of claim 27 wherein the criteria further include one or more geographic regions.
34. The method of claim 33 wherein in (g), the approved buyer is determined to match the criteria if the approved buyer matches any characteristic or is located in any of the geographic regions.
35. The method of claim 31 wherein the criteria further include one or more geographic regions.
36. The method of claim 35 wherein in (g), the approved buyer is determined to match the criteria if the approved buyer (1) matches any characteristic, (2) is any of the entities or (3) is located in any of the geographic regions.
37. The method of claim 27 wherein there is a plurality of sellers and wherein each of said sellers has completed (a) in respect of the seller's goods, and wherein each seller's goods and associated criteria are recorded in a database, and wherein, during (f), the query is compared with all goods in the database, and wherein during (g), the criteria associated with each seller's goods that match the query are compared with the buyers information to determine whether that seller's goods are identified to the buyer in (h).
38. A method of identifying, to an approved buyer, goods offered for sale by a seller, the method comprising:
 - (a) allowing the seller to define criteria relating to buyers that are to be denied access to the goods, the criteria defining at least one combination of a specific entity and a geographic region;
 - (b) collecting information relevant to said criteria from an unapproved buyer;
 - (c) verifying the information collected from the unapproved buyer;
 - (d) based on the result of (c), designating the unapproved buyer as an approved buyer;

- (e) allowing the approved buyer to request a define a query identifying types of goods;
 - (f) comparing the query with the goods to determine whether the goods match the query;
 - (g) if the result of (f) is that the goods match the query, then comparing the information collected in (b) to determine if the approved buyer is the specified entity and is located in the geographic region;
 - (h) if the result of (g) is that the approved buyer is not the specified entity or is not located in the geographic region, then identifying the goods to the buyer.
39. The method of claim 38 wherein there is a plurality of sellers and wherein each of said sellers has completed (a) in respect of the seller's goods, and wherein each seller's goods and associated criteria are recorded in a database, and wherein, during (f), the query is compared with all goods in the database, and wherein during (g), the criteria associated with each seller's goods that match the query are compared with the buyers information to determine whether that seller's goods are identified to the buyer in (h).
40. A method of identifying, to an approved buyer, goods offered for sale by a seller, the method comprising:
- (a) allowing the seller to define criteria relating to buyers that are to be denied access to the goods, the criteria defining at least one combination of a specific entity and at least one characteristic selected from one or more of the following categories of characteristics:
 - (i) trade classification;
 - (ii) type of retailer; and
 - (iii) type of industry,
 - (b) collecting information relevant to said criteria from an unapproved buyer;
 - (c) verifying the information collected from the unapproved buyer;
 - (d) based on the result of (c), designating the unapproved buyer as an approved buyer;

- (e) allowing the approved buyer to define a query;
 - (f) comparing the query with the goods to determine whether the goods match the query;
 - (g) if the result of (f) is that the goods match the query, then comparing the information collected in (b) to determine if the approved buyer is the specified entity and matches the at least one characteristic;
 - (h) if the result of (g) is that the approved buyer is not the specified entity or does not match the at least one characteristic, then identifying the goods to the buyer.
41. The method of claim 40 wherein the category of trade classification includes at least one characteristic selected from the group: retailer; distributor; jobber; manufacturer; importer; exporter; and wholesaler.
42. The method of claim 40 wherein the category of type of retailer includes at least one characteristic selected from the following group: mass-market discounter; drug chain; supermarket; specialty; gift; warehouse club; deep-discounter; and general merchandiser.
43. The method of claim 40 wherein the category of type of industry includes at least one characteristic selected from the following group: apparel and jewellery; children and hobby; domestic chemicals; electronics; food and drinks; general merchandise; health and beauty care; household; publishing seasonal; sports and fitness; and stationary and office.
44. A method of identifying, to an approved buyer, goods offered for sale by a seller, the method comprising:
- (a) allowing the seller to define criteria relating to buyers that are to be denied access to the goods, the criteria defining at least one combination of (1) a specific entity, (2) a geographic area and (3) at least one characteristic selected from one or more of the following categories of characteristics:
 - (i) trade classification;
 - (ii) type of retailer; and

- (iii) type of industry,
 - (b) collecting information relevant to said criteria from an unapproved buyer;
 - (c) verifying the information collected from the unapproved buyer;
 - (d) based on the result of (c), designating the unapproved buyer as an approved buyer;
 - (e) allowing the approved buyer to define a query;
 - (f) comparing the query with the goods to determine whether the goods match the query;
 - (g) if the result of (f) is that the goods match the query, then comparing the information collected in (b) to determine if the approved buyer is the specified entity, is located in the geographic region and matches the at least one characteristic;
 - (h) if the result of (g) is that the approved buyer (1) is not the specified entity, (2) is not located in the geographic region or (3) does not match the at least one characteristic, then identifying the goods to the buyer.
45. The method of claim 44 wherein the category of trade classification includes at least one characteristic selected from the group: retailer; distributor; jobber; manufacturer; importer; exporter; and wholesaler.
46. The method of claim 44 wherein the category of type of retailer includes at least one characteristic selected from the following group: mass-market discounter; drug chain; supermarket; specialty; gift; warehouse club; deep-discounter; and general merchandiser.
47. The method of claim 44 wherein the category of type of industry includes at least one characteristic selected from the following group: apparel and jewellery; children and hobby; domestic chemicals; electronics; food and drinks; general merchandise; health and beauty care; household; publishing seasonal; sports and fitness; and stationary and office.-